

ASSEMBLY BILL

No. 2506

Introduced by Assembly Member Salas

February 21, 2014

An act to amend Section 830.5 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2506, as introduced, Salas. Peace officers.

Existing law designates various persons as peace officers, including correctional officers, and provides that their authority extends to any place in the state while engaged in the performance of their duties, and for the purpose of carrying out the primary function of their employment. Existing law provides that correctional officers may carry a firearm while not on duty.

This bill would characterize medical technical assistant series employees designated by the Secretary of the Department of Corrections and Rehabilitation or designated by the secretary and employed by the State Department of State Hospitals as peace officers authorized to carry a firearm while not on duty.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 830.5 of the Penal Code is amended to
- 2 read:
- 3 830.5. The following persons are peace officers whose authority
- 4 extends to any place in the state while engaged in the performance

1 of the duties of their respective employment and for the purpose
2 of carrying out the primary function of their employment or as
3 required under Sections 8597, 8598, and 8617 of the Government
4 Code, ~~as amended by Section 44 of Chapter 1124 of the Statutes~~
5 ~~of 2002~~. Except as specified in this section, these peace officers
6 may carry firearms only if authorized and under those terms and
7 conditions specified by their employing agency:

8 (a) A parole officer of the Department of Corrections and
9 Rehabilitation, or the Department of Corrections and
10 Rehabilitation, Division of Juvenile Parole Operations, probation
11 officer, deputy probation officer, or a board coordinating parole
12 agent employed by the Juvenile Parole Board. Except as otherwise
13 provided in this subdivision, the authority of these parole or
14 probation officers shall extend only as follows:

15 (1) To conditions of parole, probation, mandatory supervision,
16 or postrelease community supervision by any person in this state
17 on parole, probation, mandatory supervision, or postrelease
18 community supervision.

19 (2) To the escape of any inmate or ward from a state or local
20 institution.

21 (3) To the transportation of persons on parole, probation,
22 mandatory supervision, or postrelease community supervision.

23 (4) To violations of any penal provisions of law which are
24 discovered while performing the usual or authorized duties of his
25 or her employment.

26 (5) (A) To the rendering of mutual aid to any other law
27 enforcement agency.

28 (B) For the purposes of this subdivision, “parole agent” shall
29 have the same meaning as parole officer of the Department of
30 Corrections and Rehabilitation or of the Department of Corrections
31 and Rehabilitation, Division of Juvenile Justice.

32 (C) Any parole officer of the Department of Corrections and
33 Rehabilitation, or the Department of Corrections and
34 Rehabilitation, Division of Juvenile Parole Operations, is
35 authorized to carry firearms, but only as determined by the director
36 on a case-by-case or unit-by-unit basis and only under those terms
37 and conditions specified by the director or chairperson. The
38 Department of Corrections and Rehabilitation, Division of Juvenile
39 Justice, shall develop a policy for arming peace officers of the
40 Department of Corrections and Rehabilitation, Division of Juvenile

1 Justice, who comprise “high-risk transportation details” or
2 “high-risk escape details” no later than June 30, 1995. This policy
3 shall be implemented no later than December 31, 1995.

4 (D) The Department of Corrections and Rehabilitation, Division
5 of Juvenile Justice, shall train and arm those peace officers who
6 comprise tactical teams at each facility for use during “high-risk
7 escape details.”

8 (b) A correctional officer employed by the Department of
9 Corrections and Rehabilitation, or of the Department of Corrections
10 and Rehabilitation, Division of Juvenile Justice, having custody
11 of wards or any employee of the Department of Corrections and
12 Rehabilitation designated by the secretary or any correctional
13 counselor series employee of the Department of Corrections and
14 Rehabilitation or any medical technical assistant series employee
15 designated by the secretary or designated by the secretary and
16 employed by the State Department of ~~Mental Health~~ *State*
17 *Hospitals* or any employee of the Board of Parole Hearings
18 designated by the secretary or employee of the Department of
19 Corrections and Rehabilitation, Division of Juvenile Justice,
20 designated by the secretary or any superintendent, supervisor, or
21 employee having custodial responsibilities in an institution operated
22 by a probation department, or any transportation officer of a
23 probation department.

24 (c) The following persons may carry a firearm while not on
25 duty: a parole officer of the Department of Corrections and
26 Rehabilitation, or the Department of Corrections and
27 Rehabilitation, Division of Juvenile Justice, a correctional officer
28 or correctional counselor employed by the Department of
29 Corrections and Rehabilitation, or an employee of the Department
30 of Corrections and Rehabilitation, Division of Juvenile Justice,
31 having custody of wards or any employee of the Department of
32 Corrections and Rehabilitation designated by the secretary *or any*
33 *medical technical assistant series employee designated by the*
34 *secretary or designated by the secretary and employed by the State*
35 *Department of State Hospitals*. A parole officer of the Juvenile
36 Parole Board may carry a firearm while not on duty only when so
37 authorized by the chairperson of the board and only under the
38 terms and conditions specified by the chairperson. Nothing in this
39 section shall be interpreted to require licensure pursuant to Section
40 25400. The director or chairperson may deny, suspend, or revoke

1 for good cause a person's right to carry a firearm under this
2 subdivision. That person shall, upon request, receive a hearing, as
3 provided for in the negotiated grievance procedure between the
4 exclusive employee representative and the Department of
5 Corrections and Rehabilitation, Division of Juvenile Justice, or
6 the Juvenile Parole Board, to review the director's or the
7 chairperson's decision.

8 (d) Persons permitted to carry firearms pursuant to this section,
9 either on or off duty, shall meet the training requirements of Section
10 832 and shall qualify with the firearm at least quarterly. It is the
11 responsibility of the individual officer or designee to maintain his
12 or her eligibility to carry concealable firearms off duty. Failure to
13 maintain quarterly qualifications by an officer or designee with
14 any concealable firearms carried off duty shall constitute good
15 cause to suspend or revoke that person's right to carry firearms
16 off duty.

17 (e) The Department of Corrections and Rehabilitation shall
18 allow reasonable access to its ranges for officers and designees of
19 either department to qualify to carry concealable firearms off duty.
20 The time spent on the range for purposes of meeting the
21 qualification requirements shall be the person's own time during
22 the person's off-duty hours.

23 (f) The secretary shall promulgate regulations consistent with
24 this section.

25 (g) "High-risk transportation details" and "high-risk escape
26 details" as used in this section shall be determined by the secretary,
27 or his or her designee. The secretary, or his or her designee, shall
28 consider at least the following in determining "high-risk
29 transportation details" and "high-risk escape details": protection
30 of the public, protection of officers, flight risk, and violence
31 potential of the wards.

32 (h) "Transportation detail" as used in this section shall include
33 transportation of wards outside the facility, including, but not
34 limited to, court appearances, medical trips, and interfacility
35 transfers.

36 ~~(i) This section is operative January 1, 2012.~~